

MARION CONSERVATION COMMISSION

MINUTES OF THE REGULAR MEETING HELD ON September 14, 2016

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5 Members Present: Cynthia Callow, Chairman
6 Jeffrey J. Doubrava, Vice Chairman
7 Kristen Saint Don, Member
8 Joel D. Hartley, Member
9 Shaun Walsh, Associate
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11 Members Absent: Norman A. Hills, Clerk
12 Lawrence B. Dorman, Associate
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14 Admin. Assistant: Donna Hemphill
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16 Others Present: Kate Mahoney, 40 Dexter Road; Bob McNamara, 19
17 Shawondasse Road; Bob Cattel, 6 Blackhall Court; Michael Pierce,
18 9 Hastings Road; Rick Charon, CAI Rochester; Stevie Carvalho &
19 Jack Tubores, Farland Corp.; Dave Davignon, Schneider &
20 Associates, Inc.
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22 Meeting convened at 7:00 PM on Wednesday, September 14, 2016 in the
23 conference room of the Marion Town House, 2 Spring Street, Marion, Massachusetts. Site
24 visits were held on Saturday, September 10, 2016 by C. Callow, J. Doubrava and K. Saint
25 Don. This meeting was televised and video recorded by Old Rochester Community
26 Television (ORCTV), and audio recorded by Town of Marion staff.
27

28 7:00 PM **Gale Runnells**, Request for Certificate for Compliance for Order of
29 Conditions SE 041-1208, pool installation and associated work at 17 Reservation Way.
30 (Continued from August 10, 2016). Rick Charon of Charon Associates was there on behalf
31 of Gale Runnells. R. Charon had sent a letter requesting a Certificate of Compliance. This
32 letter noted five things that were different from the original plan. C. Callow read that letter
33 allowed and members reviewed the plans. One of the changes from the plan is that the
34 pool is now 16' x 24' instead of the approved 12' x 24'. Another change is that the BVW
35 setback is now 18' and not the 22' approved. There was a discussion regarding the
36 cement markers placements that demarcate the 15' no touch zone. One of which is inside
37 the pool fence area. It was noted that the fence is inside of the 15' no touch zone. R.
38 Charon said that his office did not know of these changes until after they were done. If
39 they had known they would have stepped in. J. Hartley noted his concerns about issuing a
40 Certificate of Compliance when work had been clearly done within the 15' no touch zone.
41 R. Charon felt that they were in compliance of the Wetlands Protection Act. There was a

42 brief discussion regarding the work that had been done that was not part of the original
43 Order of Conditions. Members reviewed the plan that was submitted with the request. S.
44 Walsh suggested that the lawn area that is within the 15' no touch zone be allowed to
45 naturally revegetate and possibly needing to plant some vegetation as well. Members
46 agreed that they would like to see this planting done before issuing a Certificate of
47 Compliance. There was a discussion regarding the fence and its location as well as a
48 discussion about the distance between markers. After further discussion it was decided that
49 R. Charon will submit a planting plan at the September 28, 2016 meeting at 7:25pm. At that
50 time the Commission will review that plan and decide the course of action at that point.

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52 7:05 PM (7:30PM) **Elizabeth Middleton**, Notice of Intent, File No. SE 041-1250, for the
53 construction of an in-ground swimming pool and addition to the existing family dwelling at
54 40 Joanne Drive. (Continued from August 24, 2016). Bob Rogers of G.A.F. Engineering, Inc.
55 was present to represent the home owner. New plans were submitted and showed that the
56 pool and patio area had been downsized from the original plan that had been submitted.
57 B. Rogers said that a fence is close to the 15' no touch zone and is lined up with the
58 easement to the retention pond that is behind the property. J. Doubrava asked what pool
59 equipment would be used. B. Rogers did not have the details on that. J. Doubrava said he
60 would like it to not be a back flush system and B. Rogers said he would accept that as a
61 special condition to the Order. B. Rogers said that he did receive a letter from Natural
62 Heritage and Endangered Species Program and that this project is not a "take". He will
63 email a copy of that letter to the Conservation office. J. Hartley asked about the fence
64 that will be installed and B. Rogers said that he didn't have the specifics but believed it
65 would match the current fence. C. Callow mentioned grass clippings that were found in
66 the wetland area and asked that B. Rogers tell the homeowner that they are not allowed
67 to do that. There were no further questions from the Commission or the audience. C.
68 Callow motioned to close the hearing; J. Doubrava seconded; voted unanimously.

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70 7:10 PM (7:41PM) **Residents of Blackhall Court and Hastings Road, c/o Bob Cattel**,
71 Request for Determination of Applicability, File No. 41D-1624, to repair and repave the
72 existing roadway on Hastings Road. Bob Cattel was present and described the current
73 conditions and the process of replacing and repairing the roadway. S. Walsh asked how
74 close the work will be to the wetlands line. B. Cattel said it is very far away but is near the
75 drainage ditch. He said that ditch works very well and they will protect it by installing the silt
76 fence. There were no further questions from members or the audience. C. Callow
77 motioned to close the hearing; J. Hartley seconded; voted unanimously.

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79 7:15 PM (7:47PM) **Robert B. & Jean F. McNamara**, Request for Determination of
80 Applicability, to install a shed at 19 Shawondasse Road. C. Callow reviewed the materials
81 quote that R. McNamara had provided after the last meeting. Also in the file was a copy of
82 the building permit and the plan that have been submitted to the Building Department.
83 Members reviewed that information. Abutters Pam Riffin and Faith Morningstar both
84 expressed their concerns about the project. J. Hartley asked who will be constructing the
85 shed and R. McNamara stated that he will be building it himself. S. Walsh asked what the
86 height of the shed will be and R. McNamara said that the proposed height is 4" below the
87 cottage roof and will match the existing pitch. Neighbor Augusta Rosenthal also expressed
88 her concern about the project. C. Callow stated that the Commission's role in this shed
89 construction is to uphold the Wetlands Protection Act. There were no further questions or
90 comments from the Commission or the audience. C. Callow motioned to close the
91 hearing; K. Saint Don seconded; voted unanimously.

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93 7:20 PM (8:06PM) **Angus Leary**, Request for Determination of Applicability, to install a
94 24' x 35' in-ground pool along with a 20' x 15' pool house, addition and a porch at 19 Lewis
95 Street. Stevie Carvalho of Farland Corp. was present to represent the homeowner. He
96 noted that the property is within a flood zone but there are no wetlands. There was a brief
97 discussion about the elevation of the site. Architectural plans have not been finalized as of
98 yet but will comply with the building codes required for construction in the flood zone. J.
99 Hartley asked about the fence that was shown on the plan. There were no further questions
100 from members or the audience. C. Callow motioned to close the hearing; J. Doubrava
101 seconded; voted unanimously.

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103 7:25 PM (8:11PM) **Kathleen Mahoney**, Request for Determination of Applicability, File
104 No. 41D-1626, to remove and relocate the existing generator to flood zone compliance at
105 40 Dexter Road. Kathleen Mahoney described that the generator will be moved from
106 ground level up to the rear of the house next to the outdoor shower so it will be level with
107 the bottom of the house. K. Mahoney had a question for the Commission on a separate
108 issue. Dave Davignon of Schneider & Associates addressed the members. He explained
109 that K. Mahoney had a previously Order of Conditions for a pier and phragmite removal.
110 He asked if the Commission would allow K. Mahoney to file a Request for Determination of
111 Applicability (RDA) to continue the eradication. Members agreed that they could file a
112 RDA and they will look at the application and make a decision at that time. Returning to
113 the RDA before them this evening, C. Callow motioned to close this hearing; J. Hartley
114 seconded; voted unanimously.

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116 7:30 PM (8:21PM) **Philip D. Stevenson**, Request for Determination of Applicability, File
117 No. 41D-1627, to cut a 4,955 sq. ft. area of overgrown vegetation and convert it into lawn
118 area at 50 Point Road. D. Davignon of Schneider & Associates, Inc. was present to
119 represent the homeowner. D. Davignon explained the location of the proposed cutting
120 would take place. He said that there are overgrown briars in the area as well as cedar
121 trees. The trees will remain in place. He said that there has been a problem with fisher cats
122 in this area and the homeowners are concerned for the safety of their pets. S. Walsh noted
123 that the plan shows no changes in elevation. There were no further questions from
124 members or the audience. C. Callow motioned to close the hearing; J. Hartley seconded;
125 voted unanimously.

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127 7:35 PM (8:28PM) **Warren P. & Lee H. Williamson**, Request for Determination of
128 Applicability, File No. 41D-1628, to construct a 9.6' x 35' timber ramp to transition the
129 elevated deck to accommodate an outdoor shower at 121 Converse Road. Dave
130 Davignon of Schneider & Associates, Inc. was present to represent the homeowners. He
131 said that they have an active Order of Conditions for 99% of the project. There have been
132 some minor changes so they have filed this RDA. He described the changes which include
133 a small deck at the northeast corner that will be supported by the concrete water feature
134 that is already in place, a ramp that was rectangle in design now has a flair to it still 35'
135 long and will be timber and an outdoor shower. This work will be outside of the buffer zone
136 and flood zone except for a portion of the ramp which is in part of the flood zone and
137 completely within the buffer zone. D. Davignon noted that Jim Manganello of LEC will be
138 present at the next meeting to discuss the placement of permanent markers at the site. S.
139 Walsh asked about the water feature and D. Davignon described it. There were no further
140 questions from members or from the audience. C. Callow motioned to close the hearing; J.
141 Hartley seconded; voted unanimously.

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143 7:35 PM (8:28PM) Appointment with **Christian Loranger** regarding a property on
144 Point Road. C. Loranger said that he is constructing a new dwelling on a 12 acre property
145 on Point Road, Map 2, Lot 4. He showed his plans to the Commission. The rear of the new
146 dwelling sits right on the 100' buffer zone line but the majority of the dwelling is outside of
147 the buffer zone. Since some work will need to take place within the buffer zone the
148 Commission advised C. Loranger to file a Request for Determination of Applicability.

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150 Minutes from August 24, 2016 were approved.

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152 Invoices #6969 and #6978 from The Wanderer were approved for payment.

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W. B. Mason invoice # I37170575 was approved for payment.

Requests for comments from the ZBA for Cases #725, Kate Hill and #727, Trustees of Eleven Hiller Street Nominee Trust. No comments for either case as they are not within the Commission's jurisdiction.

The discussion about after the fact filing of Notice of Intent was tabled until the next meeting.

There was a brief discussion regarding the MOSAC response to the letter send by the Commission. C. Callow read the letter aloud. She said the questions that the Commission had asked we all answered.

C. Callow motioned to issue the Determination of Applicability for **Robert B. & Jean F. McNamara**, File No. 41D-1620, Negative Box #2. J. Hartley seconded; voted unanimously.

J. Hartley motioned to issue the Determination of Applicability for **Residents of Blackhall Ct. & Hastings Road, c/o Bob Cattel**, File No. 41D-1624, Negative Box #2. C. Callow seconded; voted unanimously.

K. Saint Don motioned to issue the Determination of Applicability for **Philip D. Stevenson**, File No. 41D-1627, Negative Box #2. C. Callow seconded; noted unanimously.

S. Walsh motioned to issue the Determination of Applicability for **Kathleen Mahoney**, File No. 41D-1626, Negative Box #2. J. Hartley seconded; voted unanimously.

C. Callow motioned to issue the Determination of Applicability for **Warren P. & Lee H. Williamson**, File No. 41D-1628, Negative #2. J. Hartley seconded; voted unanimously.

J. Hartley motioned to issue the Determination of Applicability for **Angus Leary**, File No. 41D-1625, Negative #2, S. Walsh seconded; voted unanimously.

J. Doubrava motioned to issue the Order of Conditions for Elizabeth Middleton, File No SE 041-1250 with the following special conditions: A permanent split-rail-type fence or continuous line of boulders shall be installed and maintained as shown on the Plan(s) of Record. This shall be a continuing condition.; Pool filtration equipment shall be installed to

190 prevent any discharge of treated water; Areas within the 15' no touch zone shall be
191 undisturbed. This is a continuing condition; No pool water shall be discharged; No yard
192 waste shall be placed in either the 15' no touch zone or the wetlands. J. Hartley seconded
193 the motion. C. Callow, J. Doubrava, K. Saint Don, and J. Hartley voted in favor. S. Walsh
194 abstained from voting.

195 Meeting adjourned at 9:20pm.

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Donna M. Hemphill, Administrative Assistant

Approved: September 28, 2016

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TOWN CLERK OF MARION, MA
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